



**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND  
INTERFERENCES**

✓ AF  
2126

In re application of: Miller, et al. Docket No.: RO999-057  
 Serial No.: 09/421,585 Group Art Unit: 2126  
 Filing Date: 10/20/99 Examiner: OPIE, GEORGE L.

For: APPARATUS AND METHOD FOR PASSIVELY MONITORING LIVENESS OF JOBS IN A CLUSTERED COMPUTING ENVIRONMENT

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**RECEIVED**

JUN 01 2004

Technology Center 2100

Dear Sir/Madam:

Applicant or patent owner hereby appeals to the Board of Patent Appeals and Interferences from the decision dated 02/25/04, of the Examiner finally rejecting claims 1-26.

The items checked below are appropriate:

1.  An extension of time to respond to the final rejection.
  - a.  was obtained on \_\_\_\_\_ for \_\_\_\_\_ months(s).
  - b.  is hereby requested under 37 CFR 1.136.
2.  Appeal fee amount \$330.00  
 Extension of time fee amount \$0.00
  - a.  Enclosed
  - b.  Charge to Deposit Account No. 09-0465 for IBM Corporation

One additional copy of this Notice is enclosed herewith.

**MARTIN & ASSOCIATES, L.L.C.**  
 P.O. Box 548  
 Carthage, MO 64836-0548  
 (417) 358-4700

06/01/2004 DEMMANU1 00000082 090465 09421585  
 01 FC:1401 330.00 DA

Respectfully submitted,

  
 Derek P. Martin  
 Reg. No. 36,595

I HEREBY CERTIFY THAT THE CORRESPONDENCE TO WHICH THIS STATEMENT IS AFFIXED IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON: 05/25/04

SIGNED: 